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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,246	10/30/2001	Robert L. Kleinberg	60.1323/1324 CIP	7874

7590 03/29/2004

Intellectual Property Law Department  
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Old Quarry Road  
Ridgefield, CT 06877-4108

EXAMINER

VARGAS, DIXOMARA

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/016,246	KLEINBERG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dixomara Vargas	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-29 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hubbell et al. (US 5,969,242 A).

With respect to claim 1, Hubbell discloses a method of analyzing fluid in a downhole environment comprising: introducing a fluid sampling tool into a well bore that traverses an earth formation (Abstract) using the fluid sampling tool to extract the fluid from the earth formation into a flow channel within the tool (Column 7, lines 13-15); monitoring an indication of contamination in the fluid while extracting the fluid from the earth formation and flowing the fluid through the flow channel (Columns 4-5, lines 60-67 and 1-31 respectively); and when the indication of contaminant in the fluid has stabilized, analyzing the fluid in the flow channel (Column 5, lines 32-34).

### ***Allowable Subject Matter***

3. Claims 2-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. Claims 9-29 are allowed.

5. The following is an examiner's statement of reasons for allowance:

a. With respect to claim 9, the claim has been found allowable over the prior art because the prior art fails to teach or fairly suggest a method of analyzing hydrocarbon in a fluid a downhole environment comprising the steps of: using the fluid sampling tool to extract fluid from the earth formation into a flow channel within the tool and detecting MR signals from the fluid in the fluid channel in combination with the remaining imitations of the claim.

b. With respect to claim 17, the claim has been found allowable over the prior art because the prior art fails to teach or fairly suggest a method of analyzing water phase fluid in a downhole environment comprising the steps of: using the fluid sampling tool to extract fluid from the earth formation into a flow channel within the tool and detecting MR signals from the fluid in the fluid channel in combination with the remaining imitations of the claim.

c. With respect to claim 21, the claim has been found allowable over the prior art because the prior art fails to teach or fairly suggest a method of determining stock tank API gravity of a crude oil sample from a downhole fluid analysis comprising the steps of: using the fluid sampling tool to extract fluid from the earth formation and correlating the downhole temperature, viscosity and gas/oil ratio with the stock tank API gravity of the crude oil sample in combination with the remaining imitations of the claim.

d. With respect to claim 26, the claim has been found allowable over the prior art because the prior art fails to teach or fairly suggest a NMR module adapted for

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incorporation into a fluid sampling tool comprising: means for extracting fluid from the earth formation and means coupled to an antenna for detecting NMR signals from the flow line in combination with the remaining limitations of the claim.

e. With respect to claims 10-16, 18-20, 22-25 and 27-29, the claims have been found allowable due to its dependency on claims 9, 17, 21 and 26 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

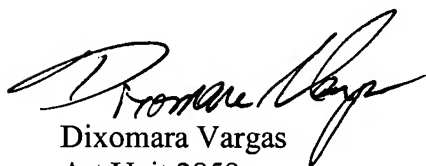
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is (571) 272-2252. The examiner can normally be reached on 8:00 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dixomara Vargas  
Art Unit 2859  
March 21, 2004



Diego Gutierrez  
Supervisory Patent Examiner  
Technology Center 2800